

AMENDED IN ASSEMBLY MAY 12, 2003

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 846

Introduced by Assembly Member Vargas

February 20, 2003

An act to amend Sections 19994.30 and 19994.33 of, to amend the heading of Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of, to add Chapter 32 (commencing with Section 7596) to Division 7 of Title 1 of, and to repeal Sections 19994.31 and 19994.32 of, the Government Code, relating to tobacco.

LEGISLATIVE COUNSEL'S DIGEST

AB 846, as amended, Vargas. Smoking: public buildings.

Existing law prohibits any state employee or member of the public from smoking a tobacco product inside a state-owned or state-occupied building, or a state-leased and state-occupied building, as defined, or within 5 feet of the main exit or entrance of these buildings, or in a passenger vehicle owned by the state.

This bill would instead prohibit smoking inside a defined public building and within 20 feet of a ~~doorway, entryway, window, or ventilation intake system duct~~ *main exit, entrance, or operable window* of a public building. It would also provide that these provisions would not preempt the authority of any county, city, or city and county ~~from adopting~~ *to adopt* an ordinance regulating smoking around a doorway, entryway, window, or ventilation intake system duct of a public building in any manner.

This bill would also make other technical, nonsubstantive, and conforming changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 32 (commencing with Section 7596) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 32. SMOKING IN PUBLIC BUILDINGS

7596. As used in this chapter:

(a) “Public building” means a building owned and occupied, or leased and occupied, by the state or by a county or city.

(1) “Inside a public building” includes all indoor areas of the building, except for covered parking lots, residential space, and state prison yard areas. “Inside a public building” also includes any indoor space leased to the state, county, or city, except for covered parking lots and residential space.

(2) “Residential space” means a private living area, but it does not include common areas such as lobbies, lounges, waiting areas, elevators, stairwells, and restrooms that are a structural part of a multicomplex building such as a dormitory.

(b) “State” or “state agency” means a state agency, as defined pursuant to Section 11000, the Legislature, the Supreme Court and the Courts of Appeal, and each California community college campus and each campus of the California State University and the University of California.

(c) “Public employee” means an employee of a state agency or an employee of a county or city.

7597. (a) No public employee or member of the public shall smoke any tobacco product inside a public building, or in an outdoor area within 20 feet of a ~~doorway, entryway, window, or ventilation intake system duct of a public~~ *main exit, entrance, or operable window of a public* building, or in a passenger vehicle, as defined by Section 465 of the Vehicle Code, owned by the state.

(b) This section shall not preempt the authority of any county, city, or city and county to adopt an ordinance regulating smoking ~~around a doorway, entryway, window, or ventilation intake system~~

1 ~~duct~~ around a main exit, entrance, or operable window of a public
2 building in any manner.

3 7598. Except as provided in Section 7597, a public employee
4 or other person may smoke in any outdoor area of a public building
5 unless otherwise prohibited by state law or local ordinance and a
6 sign describing the prohibition is posted by the state, county, or
7 city agency or other appropriate entity.

8 SEC. 2. The heading of Chapter 5.6 (commencing with
9 Section 19994.30) of Part 2.6 of Division 5 of the Government
10 Code is amended to read:

11
12 CHAPTER 5.6. TOBACCO CONTROL
13

14 SEC. 3. Section 19994.30 of the Government Code is
15 amended to read:

16 19994.30. As used in this chapter:

17 (a) “Building” means a building owned and occupied, or
18 leased and occupied, by the state.

19 (b) ~~“State”~~ “State” or “state agency” means a state agency,
20 as defined pursuant to Section 11000, the Legislature, the Supreme
21 Court and the courts of appeal, and each California Community
22 College campus and each campus of the California State
23 University and the University of California.

24 (c) “State employee” means an employee of a state agency.

25 SEC. 4. Section 19994.31 of the Government Code is
26 repealed.

27 SEC. 5. Section 19994.32 of the Government Code is
28 repealed.

29 SEC. 6. Section 19994.33 of the Government Code is
30 amended to read:

31 19994.33. (a) The State Department of Health Services may
32 develop guidelines for the content and effective presentation of
33 tobacco smoking control programs designed to assist an individual
34 in either a self-help or group environment. The guidelines may be
35 distributed to state agencies. The State Department of Health
36 Services may provide a copy of the guidelines to any individual or
37 group, upon request, and may charge a fee that shall not exceed the
38 actual cost of producing a copy.

39 (b) State agencies may offer tobacco smoking control
40 programs to their employees. A state agency may use existing

1 employee training funds to pay for the presentation of tobacco
2 smoking control programs offered to state employees at a
3 state-owned or state-leased building during normal work hours.

4 (c) Not later than January 31, 1994, and thereafter upon initial
5 employment, each state agency shall inform its employees about
6 the smoking prohibition contained in Section 7597, areas where
7 smoking is permitted, and the availability of tobacco smoking
8 control programs.

9 (d) Enrollment in a tobacco smoking control program by any
10 state employee shall be voluntary.

